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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,757	08/07/2006	Horst Lautenschlager	000008-007	5830

44012 7590 05/01/2008
WRB-IP LLP
1217 KING STREET
ALEXANDRIA, VA 22314

EXAMINER

SULLIVAN, MATTHEW J

ART UNIT	PAPER NUMBER
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4136

NOTIFICATION DATE	DELIVERY MODE
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05/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/597,757	Applicant(s) LAUTENSCHLAGER, HORST	
	Examiner Matthew J. Sullivan	Art Unit 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/7/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 8 recites the limitation "the wrench projection profile" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toomey, U.S. Patent 5,713,105 (2/13/98) in view of McCue, et al, U.S. Patent Publication 2005/0183238 (Filed 4/22/04).**

Toomey '105 teaches a furniture or structural fitting (20) comprising a first fitting (22) and a second fitting part (26, 24), an elevation adjustment apparatus (32) on the first fitting part and a longitudinal guiding apparatus (22) on the first fitting part so as to be incapable of being rotated. Toomey '105 does not teach a threaded spindle seated in two bearings with a threaded sleeve connected to the second fitting part and engaged with the threaded spindle between the two bearings. McCue '238 does teach a threaded spindle (17) seated in two bearings (14a, 14b), arranged at some distance from one another, that is connected to a second

fitting part (12); **[Claim 1]**. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine Toomey '105 with the features as taught by McCue '238 because a threaded sleeve connection would be more robust than the drive mechanism that Toomey '105 otherwise teaches as an elevation adjustment apparatus.

Regarding **Claims 2, 4 and 8**, Toomey '105 clearly teaches the longitudinal guiding apparatus including a guide plate (24) rigidly connected to the second fitting part (Figs. 1, 3) and accommodated in a flat pocket (56) formed by the first fitting part such that the guide plate may be shifted longitudinally; **[Claim 2]**.

Toomey '105 further teaches the second fitting part (26, 24) connected by way of a hinge (104) running parallel to the threaded spindle with an attachment plate (26); **[Claim 4]**. Toomey '105 further teaches a wrench projection profile in the shape of an internal hexagonal profile (Column 6, Lines 48-53, body 48a); **[Claim 8]**.

Regarding **Claims 5 and 6**, McCue '238 teaches the threaded spindle (17) axially supported at both ends outside the bearings (17a, 20) (**Claim 5**) where the threaded spindle includes, at both ends, a thickened head (17a, 20); **[Claim 6]**.

Regarding **Claims 3 and 7**, Toomey '105 teaches a pocket (56) formed between a central section (52) of the first fitting part and a wall surface (28) to which the first fitting part is attached; **[Claim 3]**. McCue '238 teaches a threaded spindle (17) where one of the heads exhibits a wrench projection profile (17a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sullivan whose telephone number is 571-270-5218. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Sullivan/
Examiner, Art Unit 4136

/J. Allen Shriver/
Supervisory Patent Examiner, Art Unit 4136